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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,880	07/31/2000	James S. Rosen	COMET-003XX	4970

207 · 7590 04/09/2007	EXAMINER
WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP	DINH, KHANH Q
TEN POST OFFICE SQUARE	
BOSTON, MA 02109	

	ART UNIT	PAPER NUMBER
	2151	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/628,880	ROSEN ET AL.
	Examiner	Art Unit
	Khanh Dinh	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 December 2006</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-61</u> is/are pending in the application.

    4a) Of the above claim(s) <u>60 and 61</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-59</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to the Amendment filed on 12/8/2006 and Remarks filed on

12/8/2006. Claims 1-30 and new claims 31-61 are presented for examination.

Election/Restrictions

2.   Newly submitted claims 60 and 61 are directed to an invention that lacks unity with the

invention originally claimed for the following reasons: the invention originally claimed is

directed to a method for enabling information associations in conjunction with at least one client

system and one server system including parsing and accessing steps, which requires use of

search **Class 709, subclass 218**. The invention claimed as claims 60-61 is directed to monitoring

activities of information system including loading and monitoring activities and determining user

rating, which requires use of search **Class 709, subclass 224**.

        Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for prosecution

on the merits. Accordingly, claims 60-61 are **withdrawn** from consideration as being directed to

a nonelected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3.   Applicant's arguments with respect to claims 1-30 and new claims 31-59 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 27, 39 and 40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim (27) is directed to a signal directly or indirectly by claiming a "*wave*" (such as a carrier wave). In that event, the claims are directed to a form of energy, which at present the office feels does not fall into a category of invention.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7.   Claims 1-9 and 13-59 are rejected under 35 U.S.C. 102(e) as being anticipated by

Nielsen, US pat. No.5,907,680.

As to claim 1, Nielsen discloses a method for enabling information associations, said method

being performed with at least one client system and at least one server system, comprising the

steps of:

in a parsing step, parsing, on one of said client system and said server system, data

containing within a document to identify a number of objects included in said document (i.e.,

sending a request for a particular www document) (see abstract, figs.1A, 2, col.5 line 45 to col.6

line 41);

in an accessing step, accessing, from at least one database (client side's database),

information related to those said objects in said documents for which related information is

available (processing and displaying WWW documents to users upon requests, see col.6 lines 9-

41);

in a first displaying step, displaying, on a display of said client system, at least a portion

of said objects for which information is available and in a detecting step, detecting, on said client

system, a selection of one of said objects displayed on said display a user (see col.6 line 42 to

col.7 line 23);

in a second displaying step, displaying, on said display, information from said at least one

database related to said selected one of said objects (see col.6 line 42 to col.7 line 23 and colo.9

lines 11-41).

As to claim 2, Nielsen discloses wherein said first display step comprises displaying said

document including said objects (displaying a list of URLs), and further comprising providing

visual indications to said user of at least a portion of those of said objects for which related

information is available (see fig.3, col.7 line 7 to col.8 line 54).

As to claim 3, Nielsen discloses detecting an operation in which said document is being loaded

by an application program; and wherein said accessing step comprises comparing said objects

within said document with entries in said at least one database, said accessing step being

performed in response to said detecting of said operation in which said document is being loaded

said application (see col.8 lines 24-65 and col.9 lines 12-67).

As to claim 4, Nielsen discloses said accessing step forming of said list further comprises

accessing from said at least one database, information related to at least one of said objects ·

within said document including one of said objects within said document in said in the event that

said at least one of object said objects within said document matches at least one of said entries

in said at least one database (see fig.12, col.11 line 26 to col.12 line 52).

As to claim 5, Nielsen discloses said loading of said document by said application program

comprises downloading of said document onto said client system using a browser program (see

fig.9, col.9 line 12 to col.10 line 24).

As to claim 6, Nielsen discloses wherein said loading of said document into said application

program comprises loading said document into a word processor program (see col.7 lines 7-59

and col.11 line 26 to col.12 line 52).

As to claim 7, Nielsen discloses said loading of said document into said application program

comprises loading said document into an email program (see col.7 lines 7-59 and col.11 line 26

to col.12 line 52).

As to claim 8, Nielsen discloses said information from said at least one database related to said

selected one of said objects comprises at least one indication of at least one related resource, and

further comprising: detecting a selection of said indication of said at least one related resource by

said user; and outputting content associated with said at least one related resource in response to

said detecting said selection of said indication of said at least one related resource (checking the

server name due to request to retrieve a document using a URL sent by the user, see fig.12,

col.11 line 26 to col.12 line 52).

As to claim 9, Nielsen discloses said at least one indication of said at least one related resource

comprises at least one uniform resource locator associated with said at least one related resource

(see fig.9, col.9 lines 12-67).

Claims 13-24 are rejected for the same reasons set forth in claims 1-12 respectively.

Claims 25 and 27 are rejected for the same reasons set forth in claim 1.

Claim 26 is rejected for the same reasons set forth in claim 1. As to the added limitations,

Nielsen discloses a client computer system (110 of fig.1A, col.5 line 44 to col.6 line 49). It is

inherent that a computer system including a processor including a memory.

As to claims 28-30, Nielsen discloses at least some of said objects comprising respective

metadata (see fig.9, col.9 lines 12-67).

As to claim 31, Nielsen discloses determining said at least a portion of those of said objects for

which related information is available based upon at least one of user profile information derived

from past actions of said user, profile information provided by said user, preferences provided

by said user, contextual information associated analysis of said document, and with at least one

of said objects (see fig.9, col.9 lines 12-41 and col.10 line 47 to col.11 line 25).

As to claim 32, Nielsen discloses said contextual analysis des extracting themes contained in at

least one of said document and a history of documents recently downloaded onto said client

system (see fig.12, col.11 line 26 to col.12 line 52).

As to claim 33, Nielsen discloses determining said at least a portion of for which related

information is available based upon at least one of user profile information derived from user,

profile information provided by said user, preferences provided by said user, contextual analysis

of said document, and related information associated with at least one of said objects (see fig.9,

col.9 lines 12-41 and col.10 line 47 to col.11 line 25).

As to claim 34, Nielsen discloses said contextual analysis of said document includes extracting themes contained in at least one of said document and a history of contained in at least one of said documents recently downloaded onto said client system (see col.10 line 25 to col.11 line 53).

Claims 35-40 are rejected for the same reasons set forth in claims 33, 34, 33, 34, 33, and 34 respectively.

As to claims 41 and 42, Nielsen discloses said document includes themes one of said document and a history of said least one indication of at least one related resource, and wherein said user activities resource (see fig.9, col.9 lines 12-41 and col.10 line 47 to col.11 line 25).

As to claims 43-45, Nielsen discloses said detecting said selection of said one of said objects substantially over said one of said and clicking on said display by at least moving a cursor over said one of said objects and leaving the cursor over said one of said objects for a predetermined amount of time, and clicking on said one of said objects (see col.7 lines 7-46 and col.10 line 47 to col.11 line 25).

As to claim 46, Nielsen discloses a method of enabling information associations on at least one client system, comprising the steps of:

parsing data contained within a document to identify number of objects included in said

document (i.e., sending a request for a particular www document) (see abstract, figs.1A, 2, col.5

line 45 to col.6 line 41);

accessing, from at least one database, information related to those of said objects included

in said document for which related information is available (processing and displaying WWW

documents to users upon requests, see col.6 lines 9-41); and

in a first displaying step, displaying, on a display of said client system, information

accessed from said at least one portion of those of said database that is related to at least a

portion of said objects for which related information is available (see col.6 line 42 to col.7 line

23).

Claims 47 and 49 are rejected for the same reasons set forth in claim 2.

As to claim 48, Nielsen discloses displaying, on said display, said document including said

objects in said document (see col.6 lines 9-66).

As to claim 50, Nielsen discloses said visual indications include at least one of boldfacing,

underlining, color-coding, and changing at least one of a format, font, and style of said at least a

portion of those of said objects in said document for which related information is available (see

col.10 line 25 to col.11 line 53 and col.12 lines 15-52).

Claims 51 and 52 are rejected for the same reasons set forth in claims 33 and 32 respectively.

Claims 53-59 are rejected for the same reasons set forth in claims 46-52 respectively.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9..   Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in

view of Gershman et al. (hereafter Gershman), US pat. No.6,199,099.

As to claims 10-11, Nielsen does not specifically disclose at least one related resource from said

base at least one database comprises streaming audio and video information. However,

Gershman discloses at least one related resource from said base at least one database comprises

streaming audio and video information (see abstract, col.10 lines 13-63 and col.43 line 4 to

col.44 line 51). It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to implement Gershman's teachings into the computer system of Nielsen to

control data information because it would have facilitated web based information retrieval and display system in a communication network.

As to claim 12, Nielsen does not specifically disclose in a monitoring step, monitoring user activities on said at least one client system, said user activities indicating levels of interest of at least one user of said least one client system is interested in said objects included in said document; determining at least one rating of at least one of said document, said objects, and said information related to said objects in response to said monitoring of said user activities on said at least one client system; and storing said at least one rating in association with at least one of said at least one user, said document, said objects, and said information related to said objects, wherein said at least one rating can be applied to future requests for information related to said objects.. However, Gershman discloses in a monitoring step, monitoring user activities on said at least one client system, said user activities indicating levels of interest of at least one user of said least one client system is interested in said objects included in said document; determining at least one rating of at least one of said document, said objects, and said information related to said objects in response to said monitoring of said user activities on said at least one client system; and storing said at least one rating in association with at least one of said at least one user, said document, said objects, and said information related to said objects, wherein said at least one rating can be applied to future requests for information related to said objects (using user ratings for determining the personalized products, see fig.16, col.34 lines 7-57). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Gershman's teachings into the computer system of Nielsen to control data

information because it would have ensured that the product reports sent back to appropriate users

and customized services for users based on user profiles in a communication network.

Response to Arguments

10.   Applicant's arguments filed on 12/8/2006 have been fully considered but they are not

persuasive.

- Applicant asserts that the cited reference does not disclose a method for enabling

   information associations, said method being performed with at least one client

   system and at least one server system, comprising the steps of: in a parsing step,

   parsing, on one of said client system and said server system, data containing

   within a document to identify a number of objects included in said document; in

   an accessing step, accessing, from at least one database, information related to

   those said objects in said documents for which related information is available.

Examiner respectfully point out that Nielsen discloses a method for enabling information

associations, said method being performed with at least one client system and at least one server

system, comprising the steps of: in a parsing step, parsing, on one of said client system and said

server system, data containing within a document to identify a number of objects included in said

document (i.e., sending a request for a particular www document) (see abstract, figs.1A, 2, col.5

line 45 to col.6 line 41) and in an accessing step, accessing, from at least one database (client

side's database), information related to those said objects in said documents for which related

information is available (processing and displaying WWW documents to users upon requests, see

col.6 lines 9-41) as rejected above.

Conclusion

11.   Claims 1-59 are *rejected*.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The

examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung, can be reached on (571) 272-3939.   The fax phone number for this

group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval IPAIRI system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Khanh Dinh/

KHANH DINH
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100